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EXAMINER	
MATTHEWS, TERRELL HOWARD	
ART UNIT	PAPER NUMBER
3654	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/754,044	LONG ET AL.	
	Examiner	Art Unit	
	Terrell H. Matthews	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/22/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

FINAL REJECTION

Applicant's arguments filed on 9/26/2005 have been fully considered but they are not persuasive for reasons detailed below.

Information Disclosure Statement

Applicants' remarks concerning consideration of the Information Disclosure Statements filed on April 22, 2004, and October 19, 2004, are noted.

With respect to the requirement for copies of submitted documents, the U.S. patents and published patent applications cited on the IDSs noted above will be considered, as submission of copies of these documents is no longer required. The non-patent literature and foreign documents now submitted and cited on the above IDSs will also be considered. Note that not all the documents listed on the 1449s have been received; the missing documents have been lined out on the attached 1449(s). Should applicant provided documentary evidence (such as a petition decision) of a waiver of the 37 CFR 1.98(a) requirement for submission of copies of these documents, they will be considered to the extent that they can be readily accessed by the examiner.

The 28 pages of document listings filed with the 9/26/2005 response will not be considered, because the listings appear to be duplicates of previously citations and include duplicate pages. If this submission includes references not previously cited which applicant desires to have considered, a new IDS including an accurate listing and copies of the documents should be provided.

The cited documents will be considered by the examiner in the same manner as references encountered during a normal search of prior art. There is no duty to consider these references to a greater extend than those ordinarily looked at during a regular search by the examiner.

Applicants' attention is directed to MPEP 2004, which provides assistance to applicants in complying with the duty of disclosure. In particular, item 13 states

> It is desirable to avoid the submission of long lists of documents if it can be avoided. Eliminate clearly irrelevant and marginally pertinent cumulative information. If a long list is submitted, highlight those documents which have been specifically brought to applicant's attention and/or are known to be of most significance. See *Penn Yan Boats, Inc. v. Sea Lark Boats, Inc.*, 359 F. Supp. 948, 175 USPQ 260 (S.D. Fla. 1972), aff 'd, 479 F.2d 1338, 178 USPQ 577 (5th Cir. 1973), cert. denied, 414 U.S. 874 (1974). But cf. *Molins PLC v. Textron Inc.*, 48 F.3d 1172, 33 USPQ2d 1823 (Fed. Cir. 1995).

While compliance with these guidelines is not mandatory, and there is no requirement to explain the materiality of cited references, the cloaking of a clearly

relevant reference by inclusion in a long list of citations may not comply with an applicant's duty of disclosure, see *Penn Yan Boats, Inc. v. Sea Lark Boats, Inc.*, supra.

The prior art rejections are maintained or modified as follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Tranquilla. (6278795) in further view of Alper (4451027)

Referring to claim 1. Anderson discloses a "Multi-Pocket Currency Discriminator" as claimed. See Figs 1-42 and respective portions of the specification. Anderson discloses a currency discriminator (10) inclusive of an input receptacle (10), a touch panel display (15), a transport mechanism with guide plates (240), a plurality of output receptacles (217a, 271b), sensor (235a, 235b), upper drive rolls (223, 241, 264), lower drive rolls (266, 280, 282), an evaluation region (247), passive rolls (250, 251), and diverter (260). Anderson further discloses that the input receptacle is adapted to receive currency bills to be processed (See Col. 4l. 63-65) and that the output receptacles are adapted to receive currency bills that have been processed (See Col. 5 l. 1-6). Anderson discloses as well that the evaluation region (247) is used for determining information concerning each of the currency bills (See Col. 2 l. 22-24).

Anderson does not disclose a transportation mechanism including a first portion adapted to transport bills at a first speed and a second portion adapted to transport bills at a second speed or a controller adapted to cause the first portion and the second portion of the transport mechanism to transport bills at substantially the same speed when the distance between consecutive bills transported by the transport mechanism is at least a predetermined distance, the controller being adapted to cause the first portion of the transport mechanism to slow the speed at which bills are transported such that the first speed is less than the second speed when the evaluation unit determines when the distance between two consecutive bills transported by the transport mechanism is less than the predetermined distance. It should be noted that Anderson's apparatus contains a controller mechanism to control the functions of the transport mechanism, which does not just function randomly. Additionally it should be noted that Anderson's apparatus includes a touch panel display (15) which functions to simplify the operations of the currency discriminator. (See Col. 5 l. 41-42). Tranquilla discloses a "Document Transport with Gap Adjust" as claimed. See Figs. 1-3 and respective portions of the specification. Tranquilla discloses a document transport apparatus that takes documents and moves them along a feed path past sensors and readers. (See Col. 3 l. 20-25). Tranquilla further discloses that documents are transported at a constant speed along the feed path to the recognition systems and discloses that his invention detects the under space after the document has been picked and corrects the gap-size before the document reaches other down stream function mechanisms in the transport (See Col. 3 l. 39-41, 52-57). Tranquilla additionally describes that the spacing between

documents is sensed at edge detectors A&B and that if an under space is detected between two successive documents that rollers may (R-A, R-B) begin to decelerate the next document so than an increase will occur in the spacing bringing it back to the proper size (See Col. 4 l. 1-3). Tranquilla further discloses that rollers (R-A, R-B) are driven by independent motors and that the motors are controlled by a control block (CB) (See Col. 4. l. 9, 50-55). Furthermore, Tranquilla discloses that whenever a trailing edge is detected block (103) will be triggered to initiate a delay to cause rollers A and B to decelerate conjunctively to a lesser speed to open up a sufficient gap size (See Col. 5 l. 29-40) and that when it has been detected to be a normal gap size roller A maybe accelerated back to normal velocity (See Col. 6 l. 20-35). Alper discloses a "Constant Spacing Document Feeder" as claimed. See Figs. 1-5 and respective portions of the specification. Alper further discloses a feeder device comprising a pair of rollers (18a, 18b) (2^{nd} set) to provide separation between documents, which may overlap, a second pair of rollers (24a, 24b) (1^{st} set) which receive and transport the documents. Alper additionally, discloses that the first drive roll of the transport mechanism, is adapted to transport bills at a first speed and a second portion adapted to transport bills at a second speed (See Col. 2 l. 1-65). It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Anderson to include a transportation mechanism including a first portion that was adapted to transport bills at a first speed and a second portion that was adapted to transport bills at a second speed, a controller adapted to cause the first portion and the second portion of the transport mechanism to transport bills at substantially the same speed when the distance between consecutive

bills transported by the transport mechanism is at least a predetermined distance and with a controller that was adapted to cause the first portion of the transport mechanism to slow the speed at which bills are transported such that the first speed is less than the second speed when the evaluation unit determines the distance between two consecutive bills transported by the transport mechanism is less than the predetermined distance as taught by Tranquilla and Alper so that currency bills would not get incorrectly counted or stacked upon one another and cause the machine to jam.

Referring to claim 2. Anderson discloses the invention as described above. Anderson does not disclose the predetermined distance being less than about one inch. Tranquilla discloses the invention as described above. Tranquilla discloses that the spacing between documents is sensed at edge detectors A&B and that if an under space is detected between two successive documents that rollers may (R-A, R-B) begin to decelerate the next document so than an increase will occur in the spacing bringing it back to the proper size (See Col. 4 l. 1-3). It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Anderson to include the edge detectors as taught by Tranquilla so that if documents were less than about one inch from one another the transport mechanism could decelerate the next document and thus prevent them overlapping, from being counted incorrectly, or causing jams.

Referring to claim 3-6. Anderson discloses the invention as described above. Anderson further discloses that the first and second portions of the transportation mechanism include a plurality of driven rollers for transporting the currency bills (See Fig. 2 & 9 as well as Col. 6. l 36 & Col. 10 l. 30-31). Anderson does not disclose that a

first and second motor are electrically coupled to the controller in which the motor is adapted to drive the driven rollers of the first portion and the second to drive the driven rollers of the second portion. Tranquilla discloses the invention as described above. Tranquilla further discloses that the edge detectors, which detect the distance between documents, provide input signals to a computer control block (CB) to control the speed of the motors for the drive rollers and that the control block can be arranged to issue velocity commands to the drive motors (See Col. 4 l. 51-55, 62-64). It should be understood that the motors are independent of one another as described above and can therefore control specific drive rollers. It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Anderson to include a controller that could control the speed of the motors electrically coupled to the drive rollers so that if documents were to close to each other the controller had the ability to slow or speed one of them up in order to keep documents from getting incorrectly counted or stuck together.

Referring to claim 7-9. Anderson discloses the invention as described above. Anderson further discloses that there are two output receptacles (217a, 217b) (See Col. 4 l. 66 – Col. 5. l. 1) and that transport mechanism includes a diverter (260) which is located in the second portion of the transport mechanism for directing bills into one of the two output receptacles (See Col. 6 l. 4-5). It is understood from the drawings that the diverter (260) is located in the second portion of the transport mechanism (See Fig. 2).

Referring to claim 10. Anderson discloses the invention as described above. Anderson further discloses that the evaluation unit (247) is disposed along the first portion of the transport mechanism. It is understood from the drawings that the evaluation unit is located in the first portion (See Fig. 2).

Referring to claim 11. Anderson discloses the invention as described above. Anderson does not disclose a controller that is adapted to cause the first portion of the transport mechanism to resume transporting bills at substantially the same speed as the second portion of the transport mechanism upon transporting the two consecutive bills separated 'by a distance of at least the predetermined distance past the evaluation unit. Tranquilla discloses the invention as described above. Tranquilla further discloses that documents are transported at a constant speed along the feed path to the recognition systems and discloses that his invention detects the under space after the document has been picked and corrects the gap-size before the document reaches other down stream function mechanisms in the transport (See Col. 3 l. 39-41, 52-57). It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Anderson to include the controller block of Tranquilla so that drivers could resume there appropriate speed once the gap between documents was corrected.

Referring to claim 12. Anderson discloses the invention as described in detail above. Anderson further discloses that the first portion of the transport mechanism is upstream of the second portion of the transport mechanism. It is understood from the drawings the first portion is upstream from the second (See Fig. 2).

Referring to claim 13-17. It would have been obvious to perform the method steps of claim 13 when assembling the "multi-pocket currency discriminator of Anderson as modified by Tranquilla in its usual and expected fashion.

Referring to claim 18. Anderson discloses the invention as described above. Anderson discloses a currency discriminator (10) inclusive of an input receptacle (10), a touch panel display (15), a transport mechanism with guide plates (240), a plurality of output receptacles (217a, 271b), sensor (235a, 235b), upper drive rolls (223, 241, 264), lower drive rolls (266, 280, 282), an evaluation region (247), passive rolls (250, 251), and diverter (260). Anderson further discloses that the input receptacle is adapted to receive currency bills to be processed (See Col. 4l. 63-65) and that the output receptacles are adapted to receive currency bills that have been processed (See Col. 5 l. 1-6). Anderson discloses as well that the evaluation region (247) is used for determining information concerning each of the currency bills (See Col. 2 l. 22-24). Anderson does not disclose a transportation mechanism including a first portion adapted to transport bills at a first speed and a second portion adapted to transport bills at a second speed or a controller adapted to cause the first portion and the second portion of the transport mechanism to transport bills at substantially the same speed when the distance between consecutive bills transported by the transport mechanism is at least a predetermined distance, the controller being adapted to cause the first portion of the transport mechanism to slow the speed at which bills are transported such that the first speed is less than the second speed when the evaluation unit determines when the distance between two consecutive bills transported by the transport mechanism is

less than the predetermined distance. It should be noted that Anderson's apparatus contains a controller mechanism to control the functions of the transport mechanism, which does not just function randomly. Additionally it should be noted that Anderson's apparatus includes a touch panel display (15) which functions to simplify the operations of the currency discriminator. (See Col. 5 l. 41-42) and that the transport mechanism includes a diverter (260), which is located in the second portion of the transport mechanism for directing, bills into one of the two output receptacles (See Fig. 2 & Col. 6 l. 4-5). Tranquilla discloses a "Document Transport with Gap Adjust" as claimed. See Figs. 1-3 and respective portions of the specification. Tranquilla discloses a document transport apparatus that takes documents and moves them along a feed path past sensors and readers. (See Col. 3 l. 20-25). Tranquilla further discloses that documents are transported at a constant speed along the feed path to the recognition systems and discloses that his invention detects the under space after the document has been picked and corrects the gap-size before the document reaches other down stream function mechanisms in the transport (See Col. 3 l. 39-41, 52-57). Tranquilla additionally describes that the spacing between documents is sensed at edge detectors A&B and that if an under space is detected between two successive documents that rollers may (R-A, R-B) begin to decelerate the next document so than an increase will occur in the spacing bringing it back to the proper size (See Col. 4 l. 1-3). Tranquilla further discloses that rollers (R-A, R-B) are driven by independent motors and that the motors are controlled by a control block (CB) (See Col. 4. l. 9, 50-55). It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Anderson to

include a transportation mechanism including a first portion that was adapted to transport bills at a first speed and a second portion that was adapted to transport bills at a second speed, a controller adapted to cause the first portion and the second portion of the transport mechanism to transport bills at substantially the same speed when the distance between consecutive bills transported by the transport mechanism is at least a predetermined distance and with a controller that was adapted to cause the first portion of the transport mechanism to slow the speed at which bills are transported such that the first speed is less than the second speed when the evaluation unit determines the distance between two consecutive bills transported by the transport mechanism is less than the predetermined distance as taught by Tranquilla so that currency bills would not get incorrectly counted or stacked upon one another and cause the machine to jam.

Referring to claim 19. Anderson discloses the invention as described above. Anderson does not disclose the predetermined distance being less than about one inch. Tranquilla discloses the invention as described above. Tranquilla discloses that the spacing between documents is sensed at edge detectors A&B and that if an under space is detected between two successive documents that rollers may (R-A, R-B) begin to decelerate the next document so than an increase will occur in the spacing bringing it back to the proper size (See Col. 4 l. 1-3). It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Anderson to include the edge detectors as taught by Tranquilla so that if documents were less than about one inch from one another the transport mechanism could decelerate the next document and thus prevent them overlapping, from being counted incorrectly, or causing jams.

Referring to claim 20-23. Anderson discloses the invention as described above. Anderson further discloses that the first and second portions of the transportation mechanism include a plurality of driven rollers for transporting the currency bills (See Fig. 2 & 9 as well as Col. 6. l 36 & Col. 10 l. 30-31). Anderson does not disclose that a first and second motor are electrically coupled to the controller in which the motor is adapted to drive the driven rollers of the first portion and the second to drive the driven rollers of the second portion. Tranquilla discloses the invention as described above. Tranquilla further discloses that the edge detectors, which detect the distance between documents, provide input signals to a computer control block (CB) to control the speed of the motors for the drive rollers and that the control block can be arranged to issue velocity commands to the drive motors (See Col. 4 l. 51-55, 62-64). It should be understood that the motors are independent of one another as described above and can therefore control specific drive rollers. It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Anderson to include a controller that could control the speed of the motors electrically coupled to the drive rollers so that if documents were to close to each other the controller had the ability to slow or speed one of them up in order to keep documents from getting incorrectly counted or stuck together.

Referring to claim 24-26. Anderson discloses the invention as described above. Anderson further discloses that there are two output receptacles (217a, 217b) (See Col. 4 l. 66 – Col. 5. l. 1) and that transport mechanism includes a diverter (260) which is located in the second portion of the transport mechanism for directing bills into one of

the two output receptacles (See Col. 6 l. 4-5). It is understood from the drawings that the diverter (260) is located in the second portion of the transport mechanism (See Fig. 2).

Referring to claim 27. Anderson discloses the invention as described above. Anderson further discloses that the evaluation unit (247) is disposed along the first portion of the transport mechanism. It is understood from the drawings that the evaluation unit is located in the first portion (See Fig. 2).

Referring to claim 28. Anderson discloses the invention as described above. Anderson does not disclose a controller that is adapted to cause the first portion of the transport mechanism to resume transporting bills at substantially the same speed as the second portion of the transport mechanism upon transporting the two consecutive bills separated 'by a distance of at least the predetermined distance past the evaluation unit. Tranquilla discloses the invention as described above. Tranquilla further discloses that documents are transported at a constant speed along the feed path to the recognition systems and discloses that his invention detects the under space after the document has been picked and corrects the gap-size before the document reaches other down stream function mechanisms in the transport (See Col. 3 l. 39-41, 52-57). It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Anderson to include the controller block of Tranquilla so that drivers could resume there appropriate speed once the gap between documents was corrected.

Referring to claim 29. Anderson discloses the invention as described in detail above. Anderson further discloses that the first portion of the transport mechanism is

upstream of the second portion of the transport mechanism. It is understood from the drawings the first portion is upstream from the second (See Fig. 2).

Referring to claim 30. Anderson discloses the invention as described above. Anderson further discloses that the system functions by transporting the bills one at a time from the input receptacle into the transport mechanism (See Col. 4 l. 63-66).

Referring to claim 31. Anderson discloses the invention as described above. Anderson further discloses that the diverter, which is located in the second portion of the transport mechanism, directs bills to either the first or second output receptacle. It is understood that the diverter receives the bills from the first portion of the transport mechanism (See Col. 6 l. 4-6).

Response to Arguments

Applicant's arguments that the prior art fails to teach the claimed features are unpersuasive. In particular, Applicant's focus on a "transport mechanism including a first portion, including a first drive roll of the transport mechanism, adapted to transport bills at a first speed and a second portion adapted to transport bills at a second speed" is taught as phrased by independent claim 1. It should be noted that Tranquilla discloses that rollers (R-A, R-B) may decelerate documents to increase the spacing to the proper size and then goes on to disclose that rollers can be conjunctively decelerated to open up a gap size and that roller a is then speed up when the gap has reached a normal size. Furthermore, Alper discloses a transport mechanism inclusive of first and second drive rolls in which the first set that are adapted to transport bills at first speed and a

second set adapted to transport bills at a second speed. Consequently, as a review of the prior art undermines Applicant's arguments, the claims stand rejected. Additionally, it should be noted that it was generally known in the field of art to adjust the speed of rollers to control the document transport speed.

Examiner has maintained the prior art rejections, statutory rejections and drawing objections as previously stated and as modified above. Applicant's amendment necessitated any new grounds of rejection presented in this Office action. More specifically, applicant's amendments necessitated the inclusion of Alper as it applied to claim 1. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP *§ 706.07(a)*. Applicant is reminded of the extension of time policy as set for the in 37 CFR 1.136(a). For the above reasons, it is believed that the rejections should be sustained.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. New grounds of rejection were necessitated based on the amendment of the claims to include the claiming of a first drive roll.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

THM

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